United Nations A/63/861–S/2009/265

General Assembly
Security Council

Distr.: General
21 May 2009

Original: English

General Assembly
Sixty-third session
Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fourth year

Letter dated 19 May 2009 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to draw your attention to the statement adopted today at the 316th meeting of the Committee on the situation in Occupied East Jerusalem (see annex).

I should appreciate it if the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 15 and 16, and of the Security Council.

(*Signed*) Paul **Badji**
Chairman
Committee on the Exercise of the Inalienable
Rights of the Palestinian People

09-34586 (E) 220509

Please recycle

Annex to the letter dated 19 May 2009 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

Statement by the Committee on the Exercise of the Inalienable Rights of the Palestinian People on the situation in Occupied East Jerusalem*

19 May 2009

The Committee on the Exercise of the Inalienable Rights of the Palestinian People expresses its utmost concern about illegal and provocative Israeli policies and measures in Occupied East Jerusalem, including the demolition of Palestinian houses, settlement construction in and around the city, Wall construction, movement restrictions and other measures that affect the legal, demographic and cultural character and status of the city.

According to the Office for the Coordination of Humanitarian Affairs, between 2000 and 2008, the Israeli authorities demolished more than 670 Palestinian-owned structures in East Jerusalem, 90 of which were demolished in 2008. These actions by the occupying Power led to the displacement of some 400 Palestinians. Currently, some 60,000 Palestinians are at risk of having their homes demolished because they were built without the required Israeli permits, which are nearly impossible for Palestinians to obtain for construction and expansion of homes in East Jerusalem. Furthermore, over one third of East Jerusalem has been expropriated throughout the Israeli occupation for the construction of settlements. These practices violate article 49 of the Fourth Geneva Convention, which states, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies", and article 53 of the Convention, which prohibits the destruction of personal or State-owned property by the occupying Power, except where such destruction is rendered absolutely necessary by military operations.

Over the years, numerous resolutions on the question of Jerusalem have been adopted by the General Assembly and the Security Council. In 1968, the Security Council adopted resolution 252 (1968), in which the Council considered that "all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status". In the same resolution, the Council also called upon Israel to "rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem". A similar position was expressed in subsequent Security Council resolutions.

The question of Jerusalem is a key aspect of the question of Palestine and constitutes one of the six core issues for the permanent status negotiations of the peace process. The Committee reiterates that Israel must refrain from any activities that change the legal, demographic and cultural character and status of East Jerusalem, the capital of a future Palestinian State. In this regard, Israel must scrupulously abide by its legal obligations as an occupying Power, including under the Fourth Geneva Convention. The Committee considers that an agreement

* Also circulated under the symbol A/ES-10/456.

encompassing East Jerusalem as the capital of a future Palestinian State is central for the achievement of a just and sustainable settlement of the conflict. Furthermore, the Committee feels strongly that any action purporting to alter the demographic composition, legal status or physical character of East Jerusalem is illegal, provocative and predetermines the outcome of the permanent status negotiations between the parties. The Committee also calls upon the Security Council to live up to its Charter obligations and act against the ongoing illegal actions by the occupying Power in East Jerusalem, by upholding its own resolutions that continue to be unimplemented.